



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUL 19 2011

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7006-2760-0000-8645-5239

Ms. Rebecca Lewis
Environmental Remediation Specialist
City of Wichita Brooks Construction and Demolition Waste Landfill
4100 N West Street
Wichita, Kansas 67204

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for City of Wichita Brooks Construction and Demolition Waste Landfill, 4100 N West Street, Wichita, Kansas 67204

Dear Ms. Lewis:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the City of Wichita Brooks Construction and Demolition Waste Landfill (Brooks C&D Landfill) in Wichita, Kansas. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Brooks C&D Landfill and finds Brooks C&D Landfill acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

EPA corresponded with the Kansas Department of Health and Environment (KDHE) to determine Brooks C&D Landfill's compliance with applicable environmental standards. The results of the correspondence indicate that Brooks C&D Landfill is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, Brooks C&D Landfill is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.



By issuing this notice, EPA is in no way authorizing Brooks C&D Landfill to undertake any waste management practice at this facility for which Brooks C&D Landfill has not been previously authorized by EPA or KDHE.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Toensing', with a stylized flourish at the end.

Donald Toensing,
Branch Chief
Waste Enforcement and Material Management Branch

cc: Jim Rudeen, Kansas Department of Health and Environment
Kansas Department of Health and Environment South Central District Office